

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**JASON FRAZIER and EARL
FERGUSON,**

Plaintiffs,

V.

CIVIL ACTION NO.

1:24-cv-03819-SCJ

**FULTON COUNTY
DEPARTMENT OF
REGISTRATION AND
ELECTIONS,**

**SHERRI ALLEN, AARON
JOHNSON, MICHAEL
HEEKIN, And TERESA K.
CRAWFORD,**

individually, and in their official capacities as Members of the Fulton County Department of Registration and Elections,

KATHRYN GLENN,
individually, and in her official
capacity as Registration
Manager of the Fulton County
Department of Registration
and Elections,

BRAD RAFFENSPERGER,
in his official and individual
capacities
Defendants.

MOTION TO DISMISS WITHOUT PREJUDICE

COMES NOW the above-named Plaintiffs and pursuant to Fed. R. Civ. P. 41(a)(2) seek leave of court to voluntarily dismiss without prejudice the above-styled action showing the court as follows:

Plaintiff's counsel has determined that Plaintiffs failed to meet a condition precedent for seeking relief in this court as required by 52 U.S.C. § 20510. Plaintiffs contend their claims are otherwise valid and state that they may seek judicial relief once their claim properly accrues and within the applicable statute of limitations.

Wherefore Plaintiffs pray as follows:

- 1) That this Court grant permission for Plaintiffs to dismiss this action without prejudice;
- 2) That the court hold a hearing on or opportunity to brief this matter as justice may require.

Respectfully submitted this 13th day of September 2024.

Respectfully Submitted,

/S/ James D. Elliott
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Attorney for Plaintiffs.

CERTIFICATE OF SERVICE

I certify that I have served this Notice of Appearance to counsel of record via e-filing of this document through the CM/ECF system and will send a notice of electronic filing to any attorneys of record.

Respectfully submitted this 13th day of September 2024.

/S/ James D. Elliott
James. D. Elliott